

LEGISLATIVE COUNSEL
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91ST CONGRESS
1ST SESSION

H. R. 9825

IN THE SENATE OF THE UNITED STATES

JULY 24, 1969

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—CIVIL SERVICE RETIREMENT

4 FINANCING

5 SEC. 101. Section 8331 of title 5, United States Code,
6 is amended—

7 (1) by striking out “and” at the end of paragraph
8 (15);

9 (2) by striking out the period at the end of para-

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1 graph (16) and inserting a semicolon in lieu thereof;

2 and

3 (3) by adding immediately below paragraph (16)
4 the following new paragraphs:

5 “(17) ‘normal cost’ means the entry-age normal
6 cost computed by the Civil Service Commission in ac-
7 cordance with generally accepted actuarial practice and
8 expressed as a level percentage of aggregate basic pay;

9 “(18) ‘Fund balance’ means the sum of—

10 “(A) the investments of the Fund calculated
11 at par value; and

12 “(B) the cash balance of the Fund on the
13 books of the Treasury; and

14 “(19) ‘unfunded liability’ means the estimated ex-
15 cess of the present value of all benefits payable from
16 the Fund to employees and Members, and former em-
17 ployees and Members, subject to this subchapter, and to
18 their survivors, over the sum of—

19 “(A) the present value of deductions to be
20 withheld from the future basic pay of employees
21 and Members currently subject to this subchapter
22 and of future agency contributions to be made in
23 their behalf; plus

24 “(B) the present value of Government pay-

1 ments to the Fund under section 8348 (f) of this
2 title; plus

3 “(C) the Fund balance as of the date the un-
4 funded liability is determined.”.

5 SEC. 102. (a) Section 8334 of title 5, United States
6 Code, is amended—

7 (1) by amending subsection (a) to read as follows:

8 “(a) (1) The employing agency shall deduct and with-
9 hold 7 percent of the basic pay of an employee and $7\frac{1}{2}$ per-
10 cent of the basic pay of a Congressional employee and a
11 Member. An equal amount shall be contributed from the
12 appropriation or fund used to pay the employee or, in the
13 case of an elected official, from an appropriation or fund
14 available for payment of other salaries of the same office or
15 establishment. When an employee in the legislative branch is
16 paid by the Clerk of the House of Representatives, the Clerk
17 may pay from the contingent fund of the House the contribu-
18 tion that otherwise would be contributed from the appropria-
19 tion or fund used to pay the employee.

20 “(2) The amounts so deducted and withheld, together
21 with the amounts so contributed, shall be deposited in the
22 Treasury of the United States to the credit of the Fund under
23 such procedures as the Comptroller General of the United
24 States may prescribe. Deposits made by an employee or

1 Member also shall be credited to the Fund.”; and

2 (2) by amending subsection (c) to read as follows:

3 “(c) Each employee or Member credited with civilian
4 service after July 31, 1920, for which retirement deduc-
5 tions or deposits have not been made, may deposit with
6 interest an amount equal to the following percentages of
7 his basic pay received for that service:

	“Percentage of basic pay	Service period
Employee---	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5-----	July 1, 1942, to June 30, 1948.
	6-----	July 1, 1948, to October 31, 1956.
	6½-----	November 1, 1956, to December 31, 1969.
	7-----	After December 31, 1969.
Member or employee for Congressional employee service----	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5-----	July 1, 1942, to June 30, 1948.
	6-----	July 1, 1948, to October 31, 1956.
	6½-----	November 1, 1956, to December 31, 1969.
	7½-----	After December 31, 1969.
Member for Member service----	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5-----	July 1, 1942, to August 1, 1946.
	6-----	August 2, 1946, to October 31, 1956.
	7½-----	After October 31, 1956.

8 Notwithstanding the foregoing provisions of this subsec-
9 tion, the deposit with respect to a period of service re-
10 ferred to in section 8332 (b) (6) of this title performed
11 before January 1, 1969, shall be an amount equal to 55
12 percent of a deposit computed in accordance with such
13 provisions.”.

1 (b) The amendment made by subsection (a) (1) of
2 this section shall become effective at the beginning of the
3 first applicable pay period beginning after December 31,
4 1969.

5 SEC. 103. (a) Section 8348 of title 5, United States
6 Code, is amended—

7 (1) by amending subsection (a) to read as
8 follows:

9 “(a) There is a Civil Service Retirement and Disability
10 Fund. The Fund—

11 “(1) is appropriated for the payment of—

12 “(A) benefits as provided by this subchapter;

13 and

14 “(B) administrative expenses incurred by the
15 Civil Service Commission in placing in effect each
16 annuity adjustment granted under section 8340 of
17 this title; and

18 “(2) is made available, subject to such annual limi-
19 tation as the Congress may prescribe, for any expenses
20 incurred by the Commission in connection with the ad-
21 ministration of this chapter and other retirement and
22 annuity statutes.”; and

23 (2) by striking out subsections (f) and (g) and
24 inserting in lieu thereof:

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1 “(f) Any statute which authorizes—

2 “(1) new or liberalized benefits payable from the
3 Fund, including annuity increases other than under sec-
4 tion 8340 of this title;

5 “(2) extension of the coverage of this subchapter
6 to new groups of employees; or

7 “(3) increases in pay on which benefits are com-
8 puted;

9 is deemed to authorize appropriations to the Fund to fi-
10 nance the unfunded liability created by that statute, in
11 equal annual installments over the 30-year period beginning
12 at the end of the fiscal year in which the statute is enacted,
13 with interest computed at the rate used in the then most re-
14 cent valuation of the Civil Service Retirement System and
15 with the first payment thereof due as of the end of the
16 fiscal year in which the statute is enacted.

17 “(g) At the end of each fiscal year, the Commission
18 shall notify the Secretary of the Treasury of the amount
19 equivalent to interest on the unfunded liability computed for
20 that year at the interest rate used in the then most recent
21 valuation of the System. Before closing the accounts for each
22 fiscal year, the Secretary shall credit to the Fund, as a Gov-
23 ernment contribution, out of any money in the Treasury of
24 the United States not otherwise appropriated, the following
25 percentages of the amounts equivalent to interest on the

1 unfunded liability: 10 percent for 1971; 20 percent for
2 1972; 30 percent for 1973; 40 percent for 1974; 50 percent
3 for 1975; 60 percent for 1976; 70 percent for 1977; 80
4 percent for 1978; 90 percent for 1979; and 100 percent for
5 1980 and for each fiscal year thereafter. The Commission
6 shall report to the President and to the Congress the sums
7 credited to the Fund under this subsection.”.

8 (b) (1) The provisions of subsection (g) of section
9 8348 of title 5, United States Code, as contained in the
10 amendment made by subsection (a) (2) of this section, shall
11 become effective at the beginning of the fiscal year which
12 ends on June 30, 1971.

13 (2) Paragraph (1) of this subsection shall not be held
14 or considered to continue in effect after the enactment of
15 this Act the provisions of section 8348 (g) of title 5, United
16 States Code, as in effect immediately prior to such enactment.

17 SEC. 104. Section 1308 (c) of title 5, United States
18 Code, is amended by striking out “on a normal cost plus
19 interest basis”.

20 SEC. 105. The proviso under the heading “CIVIL
21 SERVICE COMMISSION” and under the subheading
22 “PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABIL-
23 ITY FUND” in title I of the Independent Offices Appropria-
24 tion Act, 1962 (75 Stat. 345; Public Law 87-141), is
25 repealed.

1 TITLE II—CIVIL SERVICE RETIREMENT

2 BENEFITS

3 SEC. 201. Paragraph (4) (A) of section 8331 of title 5,
4 United States Code, is amended by striking out “5 consecu-
5 tive years” and inserting in lieu thereof “3 consecutive
6 years”.

7 SEC. 202. Subsection (g) of section 8334 of title 5,
8 United States Code, is amended—

9 (1) by striking out the word “or” at the end of
10 paragraph (3) ;

11 (2) by striking out the period at the end of para-
12 graph (4) and inserting in lieu thereof a semicolon and
13 the word “or”; and

14 (3) by adding the following new paragraph im-
15 mediately below paragraph (4) :

16 “(5) days of unused sick leave credited under sec-
17 tion 8339 (m) of this title.”.

18 SEC. 203. Section 8339 of title 5, United States Code,
19 is amended—

20 (1) by striking out of subsection (b) the words
21 “so much of his service as a Congressional employec
22 and his military service as does not exceed a total of
23 15 years” and inserting in lieu thereof “his service as
24 a Congressional employee, his military service not ex-
25 ceeding 5 years,” ;

1 (2) by amending subsection (c) (2) to read as
2 follows:

3 “(2) his congressional employee service;”; and

4 (3) by adding at the end thereof the following new
5 subsection:

6 “(m) In computing any annuity under subsections
7 (a)–(d) of this section, the total service of an employee
8 who retires on an immediate annuity or dies leaving a sur-
9 vivor or survivors entitled to annuity includes, without regard
10 to the limitations imposed by subsection (c) of this section,
11 the days of unused sick leave to his credit, except that these
12 days will not be counted in determining average pay or
13 annuity eligibility under this subchapter.”.

14 SEC. 204. Subsection (b) of section 8340 of title 5,
15 United States Code, is amended by inserting “1 percent
16 plus” immediately after the word “by”.

17 SEC. 205. The provisions of subsections (b) (1), (d)
18 (3), and (g) of section 8341 of title 5, United States Code,
19 also shall apply in the case of any widow or widower—

20 (1) of an employee who died, retired, or was
21 otherwise separated before July 18, 1966;

22 (2) who shall have remarried on or after such
23 date; and

24 (3) who, immediately before such remarriage, was

1 receiving annuity from the Civil Service Retirement
2 and Disability Fund;
3 except that no annuity shall be paid by reason of this
4 section for any period prior to the enactment of this sec-
5 tion. No annuity shall be terminated solely by reason of
6 the enactment of this section. Notwithstanding the prohibition
7 contained in the first sentence of this section on the payment
8 of annuity for any period prior to the enactment of this sec-
9 tion, in any case in which the Civil Service Commission
10 determines that—

11 (1) the remarriage of any widow or widower de-
12 scribed in such sentence was entered into by the widow
13 or widower in good faith and in reliance on erroneous
14 information provided in writing by Government au-
15 thority prior to that remarriage that the then existing
16 survivor annuity of the widow or widower would not be
17 terminated because of the remarriage; and

18 (2) such annuity was terminated by law because of
19 that remarriage;

20 then payment of annuity may be made by reason of this sec-
21 tion in such case, beginning as of the effective date of the
22 termination because of the remarriage.

23 SEC. 206. (a) The amendments made by sections 201,
24 202, and 203 of this Act shall not apply in the cases of
25 persons retired or otherwise separated prior to the date of

11

1 enactment of this Act, and the rights of such persons and
2 their survivors shall continue in the same manner and to
3 the same extent as if such sections had not been enacted.

4 (b) The amendments made by section 204 of this Act
5 to section 8340 of title 5, United States Code, shall apply
6 only to determinations of amounts of annuity increases which
7 are made under such section 8340 after the date of enact-
8 ment of this Act.

Passed the House of Representatives July 23, 1969.

Attest:

W. PAT JENNINGS,

Clerk.

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